

Provider Questions, Concerns, and Suggestions

Earlier this year the Department conducted several informational meetings on the proposed report card and rated licensing rule revisions. During the informational meetings Department staff fielded a variety of questions about the proposed rule revisions. Time for questions, however, was limited due to the scheduled public hearings that immediately followed the informational meetings. Therefore, note cards were made available for providers to submit additional questions, concerns, or suggestions about the proposed rules that may not have been addressed in the informational session or about other general child care topics. Below is a listing of the questions, concerns, and suggestions received along with the Department's response.

Concern: It is unreasonable to ask providers to put a bulletin board in their home because it is their own private living area.

Response: Homes that serve as a location for a child care are not entirely private. When an individual opens their home to the public by operating a child care business, they relinquish some of their control over their own private living area if that area is also used as part of the licensed child care space. Many providers are already meeting this requirement. There are resources available to help providers find creative ways to meet this requirement (i.e., TOPSTAR, CCR&R).

Concern/Question: I don't have the staff to document every time the TN-ELDS are used and how is the state going to validate the use of the TN-ELDS?

Response: Although the specific methods for documenting the use of the TN-ELDS have not been established, it is safe to assume that the process will be more general in nature and will not require specific documentation of every instance when the TN-ELDS are used. The requirement for the Department to validate the use of the TN-ELDS has been deleted from the rules.

Concern: Regarding offering parents an annual opportunity to evaluate the curriculum, structure, and parent involvement aspects of the program...I will be willing to consider their opinions but the ultimate decision will be mine.

Response: The requirement is aimed at helping providers get feedback from parents that will help providers improve the program. The emphasis is on getting the feedback, the requirement does not force providers to implement suggestions that they do not believe are in the best interest of the program.

Concern: Request for intradepartmental review must be received by the Department within twenty (20) business days following the date of mailing of the notice of the report card evaluation. Please revise this to forty-five (45) days because of how the mail may run late then that would give a person more time to examine their report card evaluation. I believe 45 business days is only fair. Since the Department gets 45 business days to make a decision as stated in item (f) on page 29, it's only fair to give the child care at least 45 business days.

Response: The provider's response time for the entire appeal process is 40 business days in total. The provider is given 20 business days to initiate an appeal should they have disagreement surrounding any component of their report card. After receiving a response to a level 1 appeal from the Department, the provider is given 10 additional business days to submit a request for a level 2 appeal should they still have concerns. Following the level 2 response from the Department, the provider is then given another 10 business days should they still have disagreement and desire to request an administrative hearing.

Concern: "Parent Involvement Committee" This should not be mandated by the state. Parents have difficulty doing all they have to do now. My parents were not receptive to being on a committee. Could we somehow combine the requirement for parents to evaluate the curriculum, structure and parent involvement aspects of the program with the committee requirement?

Response: The Department removed the requirement for a parent involvement committee from the Parent/Family Involvement component of the family and group home section of the rules.

Question: Why is a bulletin board required if we are doing a newsletter?

Response: A bulletin board and a newsletter do not have to be used to communicate the same information. Particular information may be better suited for one medium than the other. Nevertheless, implementation of the bulletin board requirement for the family and group home parent / family involvement component has been delayed until January, 2010.

Concern: Requirements result in too much paperwork and take away from other things that need attention.

Response: Where appropriate, the department will collaborate with TOPSTAR, TECTA, CCR&R and other partner organizations to develop standard forms for provider use if they so choose and to develop strategies for integrating necessary paperwork into provider workflow. Furthermore, many providers already have existing forms and processes that satisfy the requirements.

Concern: Keeping the playground free of animal waste is difficult due to the fact that birds could have easily flown over and soiled it by the time you are ready to take the children outside.

Response: In general sporadic bird droppings are probably not a real concern unless they are highly concentrated in a given area. In most instances waste from domestic pets is the main concern.

Question: A notice from Commissioner Lodge indicated that the Department would cover all the costs associated with a CDA. Is that true?

Response: The Department has a contractual arrangement with the Tennessee Early Childhood Training Alliance (TECTA) to operate the State's system of articulated professional development for child care providers. DHS currently contracts with the TECTA system to provide college

level, credit bearing CDA credential preparation coursework, as well as CDA credential advisors and technical assistance to candidates in completing the documentation required to complete and submit the CDA credential assessment application to the Council for professional Recognition. As funds are available, TECTA also provides scholarship assistance for candidates' application fees, once they complete required coursework and documentation through a TECTA site.

Question: Why can't lottery money be use to make CEUs free?

Response: The lottery funds are not managed by the Department of Human Services. The Tennessee General Assembly makes decisions regarding how these funds are allocated.

Concern: Providers need help to pay for courses. What is offered is not enough. Other states offer online courses.

Response: The Department has requested that TECTA work with colleges and universities to increase the online course offerings.

Questions: How many parents are required for the **center** parent advisory board?

Response: Although the rules do not actually specify the number of parents on the **center** board, a minimum of two parents are required for an advisory board.

Question: Does the provider need to provide a place for the center advisory board to meet?

Response: The meeting place for the board is not specified in rule. The provider and the board would most likely share responsibility for the meeting arrangements, but the rules do not specifically address this issue and so it would be up to the provider and the board to determine the division of responsibility for conducting the meetings.

Question: Does the provider have to follow the recommendations of the center advisory board?

Response: It is an advisory board. The provider is not bound to follow the recommendations of the board.

Question: What if no parents are willing to serve on the center advisory board?

Response: The provider should inform the Department if this situation presents itself. The Department would need to address such situations on a case by case basis.

Concern: TN-ELDS are extremely hard to use the way they are set up.

Response: The required training on the TN-ELDS will help providers become more comfortable with using the standards.

Concern: Please add another option for school-age child care other than the TN-ELDS.

Response: Language was added to the proposed rules to ensure that developmental standards other than the TN-ELDS could be used with children over sixty (60) months.

Concern: Please provide more examples of projects for families.

Response: Providers can ask for help from staff within TOPSTAR, TECTA and CCR&Rs located throughout the state. Other providers are also great resources for project ideas. Specific ideas for family projects include, but are not limited to: seasonal celebrations such as Fall Festival, Summer Picnic, Spring Garden Planting, Earth Day, curriculum connections such as book fair, puppet show, and program-related events such as staff and family appreciation events.

Suggestion: CCR&R should be responsible for compiling and issuing quarterly information to providers for families, or website articles in a PDF format for easy printing and copying.

Response: The Department will work with CCR&R, TOPSTAR, and TECTA to make resources available to providers as needed.

Concern: Program Evaluators should help develop the improvement plan in response to the program assessment.

Response: CCR&R staff members are currently available to assist providers with this task. These individuals are trained on each of the assessment tools and work closely with the Licensing and Assessment Program Evaluators.

Question: How will the state validate the use of the early learning standards?

Response: The requirement for the validation of the learning standards by the State has been removed from the proposed changes to the rules.

Concern: More training needs to be available and training needs to be close to residence / city.

Response: TOPSTAR, TECTA and CCR&R are funded to provide training, technical assistance and/or academic coursework in locations that are as convenient as possible.

Concern: Some thought that the family and group home professional development component at the three-star level requires more training or education.

Response: More options were added to this component but the basic requirement to have a CDA **OR** an Associate's Degree and two years of experience remains unchanged.

Question: Do the early learning standards requirements apply to substitutes?

Response: The early learning standards requirements apply to all staff that are used to meet the adult:child ratios.

Question: Will an association be able to provide training on the developmental learning standards if a representative from CCRR or TECTA does the training?

Response: The training offered to meet this requirement must be approved by DHS, according to the standard approval process.

Question: Can providers evaluate assessors that come out to the center?

Response: The specifics surrounding this suggestion are unclear. Feedback from providers regarding assessment staff is always welcome and used to improve assessment services. At the conclusion of the assessment for each program, the lead assessor leaves a courtesy card with the child care director/owner. Among other things, the courtesy card has the phone number for the local assessment office. A primary intent of the courtesy card is to give providers direction for submitting questions and/or concerns surrounding their assessment.

Question: What is the difference between the TECTA training courses and the Early Childhood Technical Certificate?

Response: All academic coursework offered within the TECTA system is college-level, credit-bearing and counts toward all the programs, including the CDA Credential preparation coursework, the Early Childhood Technical Certificate and the AAS degree in Early Childhood.

Question: Do the parent activities have to be educational?

Response: No, social activities can also be used as vehicles for communicating with parents.

Question: Who decides if certification is equivalent to Early Childhood Technical Certificate? Who do we submit that info to so determination can be made?

Response: The Early Childhood Technical Certificate is awarded by two-year colleges in the State. The faculty and advisors at those colleges can review documentation to determine if any credit can be given for prior educational experiences or certifications. In addition, the Department will convene a committee to review any requests for consideration of equivalent certificates.

Concern: I am against omitting compliance history and adding the education standards. I feel they are equally important and both should remain.

Response: Compliance with basic licensing standards is still a prerequisite for participation in the Star Quality Program, and it will be noted on the report card, but it will no longer be a separate component area.

Question: Who are the 12 members of the 71-3-502(j)(5)(A) Advisory Council?

Response: The advisory council members serve two-year terms and can be reappointed. Therefore, at least some new appointments normally occur every two years. The members of the current council are listed on the Secretary of State's website: <http://state.tn.us/sos/pub/oa/index.htm>. Search for "Star Quality" under the Open Appointments page.

Question: If the provider is held to civil and other penalties when “delaying or tampering” with assessments, then can the program evaluator be held to same penalties? Assessors have been known to “delay” as well.

Response: The licensing rules apply to licensed child care providers. Employees of the Department of Human Services are subject to the code of conduct rules maintained and administered by the Department.

Question: When a provider moves, will he/she be able to keep their years that they have been in business, instead of DHS showing them as new on the DHS child care website.

Response: The license is associated with the actual physical facility because the facility must first pass a fire and health inspection. Therefore, the agency would show up online as new because the physical facility has changed. The case record, however, would reflect the history of the agency.

Question: TN-ELDS: In Head Start programs where assessments are used. If assessments can show that it aligns w/ TNELDS will that satisfy the component?

Response: The requirement for the validation of the learning standards by the State has been removed from the proposed changes to the rules.

Question: Why can parents of certificate children move their child without any notice and why can't we be paid for two weeks when such a move happens? Why do we have to abide by you all's policy and do not abide by ours? Example, request a 2 weeks notice and you all terminate them and from one child care to another you all let them change without a notice. You all should have to pay us for 2 weeks.

Response: The Department will allow a parent two (2) unquestioned requests to transfer providers within a twelve-month period. Any additional requests will be questioned as to the need and approved only under certain conditions to avoid unnecessary disruptions in a child's caregiver relationship. State policy only permits payment for children who are currently enrolled in a program.

Question: When will the new rules take effect?

Response: The rules have been filed with the Secretary of State and are expected to take effect on January 4, 2009.

Question: What is the thinking behind adding so much to the parent/family involvement section, especially regarding family/group?

Response: Previously the Family and Group Home Parent / Family Involvement component only included one item. As recommended by the Star Quality Advisory Council, such an important component area needed more significant content.

Question: What is the Early Childhood Technical Certificate?

Response: The Early Childhood Technical Certificate is offered at many of Tennessee's two-year colleges. For example at Nashville State Community College the requirements are completion of 22 semester hours in early childhood education. All courses in the technical certificate count toward an AAS or AS degree if a student chooses to continue their education. Students who have completed the TECTA courses for CDA preparation will have only 9-11 additional hours to complete to receive the certificate.

Question: Can the Early Childhood Technical Certificate be done online or can they use some other technology w/o making providers travel to attend classes?

Response: The Department is open to considering online training options as long as the content of the course is suitable for an online course, and the course includes both a pre and post course evaluation.

Question: Do caregivers who are counted in ratio have to meet the professional development standards?

Response: Yes, staff used to meet the adult: child ratios must meet the professional development requirements.

Question: If we've already had training in TN-ELDS, will it count or do we have to take it again?

Response: TN-ELDS trainings have been offered since Spring 2005 by TECTA, CCR&R and the Department of Education. Individuals, who have had this training within the specified time period and can produce documentation of the same, will receive credit for the training.

Concern: When considering the change (professional development) about training – TN labor laws require that employees be paid for workshops – so there would be another expense added to centers.

Response: Although the number of options under the professional development component have increased, the amount of required training has not increased.

Concern: I have a concern about how classrooms are chosen to be evaluated (ECERS rating). Classrooms with a substitute should not be chosen. Teachers with 2 months experience in that classroom should not be chosen.

Response: Although the quality of care in a given classroom may not reflect the care provided in the other classrooms, it does directly impact the children in that particular classroom and, therefore, it is an indicator of the overall care provided at that agency.

Question: Will there be a way for us to obtain multiple copies of the TN-ELDS as resources for centers with large numbers of teachers who need greater access to the material?

Response: The TN-ELDS are available online:
<http://www.state.tn.us/education/ci/earlychildhood/>

Question: From a teacher's perspective, will the STAR evaluation ever be more broad-based to encompass the whole program – more than one classroom for a snapshot of one day?

Response: The program assessment is only one piece of the overall Star-Quality Evaluation. The seven component areas for centers and the five component areas for family/group homes are intended to attain a broader picture of the entire program. The Department is always open to feedback on ways to continue to make improvements in this area.

Question: PDP Plan – How is this measured and can it take the place of an evaluation? Are they the same or can they be blended?

Response: Although there is no set format for how the Professional Development Plan is incorporated into the workflow, it could easily be blended into the annual employee evaluation process.

Question: What is the penalty if goals of the Professional Development Plan are not met?

Response: No specific penalty has been prescribed because the primary emphasis of the Professional Development Plan is about formalizing the process staff use to set professional development goals. The value of the tool is in the process of having the professional development conversation with staff rather than a means of measuring what goals have not been met. The professional development plan is not intended to be a contract that the Department would use to impose penalties for people who fell short of their goals.

Suggestion: If the staff compensation component proposals are revisited, I would like you to consider how those requirements fit into employer rights.

Response: The Department can include this issue as a topic at a future advisory council meeting, however, proposals in this component may not be impacted by employer rights due to the voluntary nature of the Star Quality Program. It is true that all providers are issued a report card and eligible providers submit to an assessment, but the assessment results indicated on the report card simply reflects whether or not the program exceeds the minimum licensing standards. A specific level of achievement on the report card is not required for the basic licensure rules necessary to get a license.

Question: Why was there such a drastic change under the Family & Group Home Professional Development component at the two star level, i.e., increasing the CDA hours to ninety (90), and adding Early Childhood Technical Certificate?

Response: Completing thirty cumulative hours towards the Child Development Associate Credential was added as an additional option at the one star level. As a result, the number of hours toward the Child Development Associate Credential was increased from forty to ninety hours at the two star level to create a more even distribution of the option across all star levels (i.e., thirty hours at the one star level, ninety hours at the two star level, and completion of all coursework for the credential at the three star level). Note, however, that although the number of hours toward the Child Development Associate Credential was increased at the two star level, hours toward the credential still remain only one of three choices under this section of the two star level. For example, maintaining a membership in a family care support group meets the

requirement for this portion of the two star level without having any hours toward the Child Development Associate Credential or the Early Childhood Technical Certificate.

The Early Childhood Technical Certificate was added to this component at the two star level as an additional option. It is not an additional requirement.

Question: How long must documentation sheets on infants and toddlers be kept?

Response: The center rules require a child's records to be kept for one year after the child leaves the agency.

Question: The National Administrator's Credential as well as the Certified Childcare Provider (NCCA's equivalent to a CDA) are on the list of approved trainings. Does this mean they are accepted as the equivalent to a CDA or you just get credit for the training hours?

Response: The Department plans to convene a task group to evaluate best practices and applications on accreditation, certificates, trainings and approved equivalents.

Question: The toddler ratio/group size are as follows: one star = 1:6 /12; two star = 1:5/10; and three star = 1:4/12. Are these group sizes correct because it decreases at the two star level and then goes back up at the three star level?

Response: The group sizes are correct. Although the group size does rebound to twelve children at the three star level, the ratio has improved to 1:4. A slight compromise on the group size was offered at the three star level in order to ensure the improved ratio.

Question: If a provider makes a decision to close at the end of its licensing year, does it still have to submit to an assessment?

Response: While a program is in operation, they must comply with all DHS rules and regulations. Nevertheless, if a program is closing, this information needs to be clearly conveyed in writing to the Licensing Program Evaluator. The details of this information will be taken into consideration by licensing and assessment staff and evaluated on a case by case basis.

Any additional questions can be directed to:

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